

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Robert Fischer and Stephanie Lukis,)	
individually and on behalf of all others)	CIVIL ACTION NO: 19-cv-4892
similarly situated,)	
)	
<i>Plaintiffs,</i>)	JUDGE FEINERMAN
v.)	
)	MAG. WEISMAN
Instant Checkmate LLC,)	
)	
<i>Defendant.</i>)	

PLAINTIFF ROBERT FISCHER'S RESPONSES TO DEFENDANT'S
INTERROGATORIES

Plaintiff Robert Fischer offers the following responses to Defendant's November 17, 2020 Interrogatories:

1. State how many times You have accessed the Instant Checkmate Website and for each occurrence of access identify:

- a. The name of the individual who accessed the webpage (the "User");
- b. The date of access;
- c. Which pages of the Instant Checkmate Website were accessed; and
- d. Which name(s) the User searched for on the Instant Checkmate Website.

RESPONSE: Plaintiff Robert Fischer accessed Instant Checkmate's website and conducted a search for himself. Upon information and belief, this occurred on June 9, 2019.

2. State how many times Your Counsel has accessed the Instant Checkmate Website and for each occurrence of access identify:

- a. The name of the individual who accessed the webpage (the "User");

- b. The date of access;
- c. Which pages of the Instant Checkmate Website were accessed; and
- d. Which names the User searched for on the Instant Checkmate Website.

RESPONSE: Objection. Work product.

3. State whether You or Your counsel has ever registered for the Instant Checkmate Website.

RESPONSE: Plaintiff's counsel has never registered for the Instant Checkmate Website.

4. State whether You or Your counsel has ever completed the fillable forms on the "Save Your Search" page of the Instant Checkmate Website and clicked the "SAVE" button.

RESPONSE: Plaintiff's counsel has never completed any fillable forms on the "Save Your Search" page of the Instant Checkmate Website and clicked the "SAVE" button. Plaintiff does not dispute that he apparently completed a fillable form on the website and clicked the "SAVE" button, as outlined in Defendant's motion to compel arbitration, Dkt. 91.

5. Identify and itemize how and to what extent You claim to have been damaged as a result of Instant Checkmate's conduct alleged in the Complaint.

RESPONSE: Plaintiff maintains he was emotionally distressed as the result of the Defendant's alleged conduct in this case but he does not seek any damages in this matter apart from the statutory award.

6. State how many individuals, other than Yourself and your Counsel observed the display of Your Identity on the Instant Checkmate Website, and for each person identify:

- a. The name of the individual who accessed the webpage (the "User");
- b. The date of access;
- c. Which pages of the Instant Checkmate Website were accessed; and

d. Which names the User searched for on the Instant Checkmate website.

RESPONSE: Unknown. Plaintiff is not aware of any such individuals.

7. State whether You ever requested that Instant Checkmate remove Your Identity information from the Instant Checkmate Website and, if You ever made such a request, list:

a. When the request was made; and

b. How the request was made (e.g. by letter, email, etc.).

RESPONSE: Plaintiff has not made such a request.

8. State Your date of birth.

RESPONSE: April 19, 1975

9. State each address You have resided at since January 1, 2010 through present.

RESPONSE: 294 Vine Street, Manteno, Illinois; 1148 Golf Court, Dekalb, Illinois.

10. State Your mobile phone service provider(s) since January 1, 2010 through present and for each provider during this time period, state Your mobile phone number(s).

RESPONSE: T-Mobile. 630-673-7614

11. State Your internet service provider(s) since January 1, 2010 through present.

RESPONSE: Comcast (Xfinity)

12. State Your television service provider(s) since January 1, 2010 through present.

RESPONSE: Comcast (Xfinity)

13. State all social media accounts that You have had from January 1, 2010 through the present (e.g. Facebook, Twitter, Instagram, Snapchat, Google+, etc.) and, for each, state when You first created the account.

RESPONSE: Plaintiff has Facebook and Twitter accounts but does not recall the year(s) he opened these accounts.

14. Identify all “identity” information, as that term is identified by the Illinois Right of Publicity Act (765 ILCS 1075/5), that you allege is displayed on the Instant Checkmate preview page, a screenshot of which is affixed to page three (3) of Your Complaint.

RESPONSE: Objection insofar as this request calls for a legal conclusion. Any element of the screenshot i.e. name, possible relatives, age, or city of domicile is “identity” information.

15. Identify all email addresses You have used, both personal and business, at any time from January 1, 2010 through the present.

RESPONSE: Rfischher0910@comcast.net; Rfischer@gaynorsales.com; rfischer@zep.com; rfischerdekab@gmail.com

16. Identify how You discovered that Instant Checkmate used Your identity information as alleged in the Complaint.

RESPONSE: Plaintiff was made aware of Instant Checkmate’s use of his identity information after learning of the investigation of his attorneys and also in the course of his own investigation.

17. Identify all information upon which you base your belief that Instant Checkmate used Your identity information as alleged in the Complaint.

RESPONSE: Objection, work product, legal conclusion. Plaintiff’s belief is based on the information displayed on the Instant Checkmate website, including the means by which Instant Checkmate advertises free previews to its users and uses those advertisements to promote Instant Checkmate’s separate goods and services.

18. Identify how You can confirm that You are the individual portrayed or described in the preview page on which you allege Instant Checkmate to have used Your Identity

information.

RESPONSE: Plaintiff has reasonable basis to believe he is the individual portrayed because many of the various identifiers used in the free preview, such as age, possible relatives, and cities of domicile, are items that are accurate as to Plaintiff.

19. Identify all information listed in the preview page for Robert Fischer that is inaccurate information as to Fischer.

RESPONSE: Plaintiff has not lived in Crete, Illinois or Montgomery, Illinois. Plaintiff is not aware of Robert Eugene Fischer and therefore does not believe this person is a relative.

20. State how You first learned about Your Counsel.

RESPONSE: Plaintiff first met his counsel in 2018 in connection with representation in another matter apart from this case.

Respectfully submitted,

/s/ Roberto Costales

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record this 8th day of January, 2021 via electronic transmission.

/s/ Roberto Costales